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July 26, 2021

COURTESY COPY

7/27/2021

By ECF, Email & FedEx  
Honorable Paul A. Crotty  
United States District Court Judge  
Southern District of New York  
500 Pearl Street, Chambers 1350  
New York, New York 10007

*The matter will be adjourned with NO money  
in place. The Court will be on vacation August. If  
his partner need relief before September, they should  
seek relief in US Court. No ordered  
Paul A. Crotty  
SDNY*

Re: A & J Produce Corp. et al v. Dr Produce LLC, et al.  
S.D.N.Y. Civ. Case No.: 21-cv-6066-PAC

Dear Judge Crotty:

This firm represents defendants Dr Produce LLC, Pavlos Vardinoyannis and Nicholas Vardinoyannis in this matter.

A preliminary injunction hearing was originally scheduled for Thursday, July 22, 2021 at 12:00 p.m. by Order To Show Cause dated July 15, 2021 (the "Order To Show Cause") [Docket No. 25]. That hearing was adjourned by the Court's Order dated July 21, 2021 [Docket No. 30] to Wednesday, July 28, 2021 at 12:15 p.m., with the extension of the relief contained in the Order To Show Cause to remain in place pending the adjourned hearing, as contemplated by F.R.C.P. 65(b)(2), and without any waiver by or prejudice to any party.

Dr Produce LLC, Pavlos Vardinoyannis and Nicholas Vardinoyannis, by the undersigned, respectfully request that the hearing be adjourned a second time to one of the dates proposed below, or such other date and time of the Court's availability, with the Court to expressly So Order the extension of the relief contained in the Order To Show Cause to remain in place pending the adjourned hearing, as contemplated by F.R.C.P. 65(b)(2), and without any waiver by or prejudice to any party.

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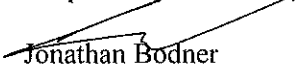
Over the past several days, the Plaintiffs filed a first amended complaint. [*Docket No. 32*]. Several additional defendants retained counsel and counsel appeared on their behalf. [*Docket Nos. 36, 37 and 38*]. Counsel for the parties have been conferring in efforts to narrow and resolve issues that would be the subject of the Order To Show Cause hearing and with respect to whether a settlement can be reached in this action. The parties seek to continue to confer to narrow or resolve issues, if possible, that would be the subject of the hearing and with respect to whether a settlement can be reached in this action, in advance thereof.

In accordance with Rule # 1.E. of Your Honor's Individual Practice Rules:

- (1) The original hearing date was July 22, 2021 at 12:00 p.m.
- (2) This is a second adjournment request.
- (3) The first adjournment request was granted [*Docket No. 30*].
- (4) Plaintiffs' counsel consents to this request. Dario Fortuna and Dr. Produce Realty LLC, by their counsel, also consent to this request.
- (5) Upon conferring with Plaintiffs' counsel and Mr. Fortuna and Dr. Produce Realty LLC's counsel, we jointly propose the following three alternative dates:  
August 3<sup>rd</sup>, 4<sup>th</sup>, or 5<sup>th</sup>, at 12:00 p.m.

Please advise of any questions, and the Court's consideration and assistance is graciously appreciated.

Respectfully submitted,

  
Jonathan Bodner  
For the Firm

cc: [David C. Gonzalez@nysd.uscourts.gov](mailto:David.C.Gonzalez@nysd.uscourts.gov)  
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Joseph Maniscalco, Esq.,  
*Counsel to Mr. Fortuna and Dr. Produce Realty, LLC*